

IN THE DISTRICT COURT OF EL PASO COUNTY, TEXAS  
\_\_\_\_\_ JUDICIAL DISTRICT

GUADALUPE KIM,  
*Plaintiff,*

VS.

WAL-MART, INC.  
*Defendant.*

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§  
§  
§

CAUSE NUMBER \_\_\_\_\_

**PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF THIS COURT:

GUADALUPE KIM (hereinafter called "Plaintiff") comes forth to present this complaint against WAL-MART, INC. (hereinafter called "Defendant"). For cause of action, Plaintiff would show the Court as follows:

**DISCOVERY CONTROL PLAN**

1. The parties should conduct pre-trial discovery in accordance with the discovery-control plan described in Rule 190.4 of the Texas Rules of Civil Procedure (Level 3).

**PLAINTIFF'S COMPETENCY TO SUE**

2. Plaintiff is a natural person over the age of twenty-one who resides in El Paso County, Texas. She is in every respect competent to assist in the prosecution of this lawsuit.

**COURT'S JURISDICTION OVER DEFENDANT**

3. Wal-Mart, Inc., is a foreign for-profit corporation. Wal-Mart Inc. has been lawfully doing business in Texas since 1974.

**SERVICE OF PROCESS**

4. An authorized process server can perfect service-of-process on Wal-Mart Inc., by hand-

delivering a citation-to-appear (with a copy of this petition) to its registered agent, CT Corporation System, at the registered agent's office address, 1999 Bryan Street, Suite 900, Dallas, Texas 75201, or wherever it can be found.

#### SUBJECT-MATTER JURISDICTION

5. Plaintiff has brought this cause of action to recover bodily-injury damages she suffered while at one of Defendant's stores. Plaintiff alleges that the incident and her injuries were proximately caused by the negligence of Defendant's employees acting within the scope of their employment with Defendant, and/or by a premises defect that exposed Plaintiff to an unreasonable risk of suffering serious harm. Plaintiff's incident-related damages far exceed the Court's minimal jurisdictional limit.

#### CLAIM PURSUANT TO TRCP 47

6. Plaintiff is seeking monetary relief in an amount over \$250,000.00, but not more than \$1,000,000.00.

#### VENUE

7. Venue is proper in El Paso County because that is the county where the incident in question occurred. Tex. Civ. Prac. & Rem. Code §15.002(a)(1).

#### THE INCIDENT

8. The incident occurred on October 30, 2021 at Wal-Mart Supercenter Store #5947 located at 5631 Dyer Street, El Paso, Texas 79904. While making her way to the customer service register, passing the ice machine, Plaintiff suddenly and without warning tumbled forward landing on her left side. While sitting up, Plaintiff noticed there was a puddle of water near the ice machine. The fall caused Plaintiff to sustain severe injuries to her back and left side of her body.

CAUSE OF ACTION AGAINST DEFENDANT: NEGLIGENT EXPOSURE  
TO UNSAFE CONDITION ON PREMISES

9. At the time of the incident, Plaintiff was on Defendant's premises with Defendant's consent, pursuant to Defendant's implied invitation. In other words, Plaintiff was Defendant's business invitee at the time of the incident. Therefore, Defendant had a duty to Plaintiff to exercise ordinary care in preventing her from being exposed to unreasonably dangerous conditions while she was on the premises.

10. Defendant's and/or their employees knew or should have known that the rug and puddle of water by the ice machine was an unsafe and dangerous condition, as they created the condition. Once Defendant's and/or their employees had actual or constructive knowledge of the danger posed by the puddle of water, they should have promptly taken measures that would have prevented, eliminated, or diminished Plaintiff's exposure thereto. The employee(s) failed to eliminate the condition or warn Plaintiff about the condition

11. Among other things, Defendant could have deployed employees to: (a) eliminate the known hazard by drying the floor; (b) preventing the possibility of a fall by cleaning up the puddle of water; or (c) diminished the possibility of a fall by placing a visible sign or other warning to alert of the puddle of water.

12. Unfortunately, Defendant and/or their employees negligently failed to do any of the above, or anything at all, to eliminate or limit Plaintiff's exposure to the unreasonable risk of harm that the puddle of water presented. Defendant and/or its employees' failure to eliminate a known dangerously defective condition constituted negligence, as that term is defined in civil law.

13. Defendant's negligence was the proximate cause of the injuries Plaintiff suffered in the incident. Therefore, Defendant is liable to Plaintiff for the totality of Plaintiff's bodily-injury

damages.

PLAINTFF'S BODILY-INJURY DAMAGES

14. Plaintiff's involvement in the above-described incident has caused her to suffer several severe, painful, and incapacitating injuries. The injuries have caused her to suffer----and in all likelihood, will continue causing her to suffer----the following damages: (a) medical expenses (past and future); (b) physical pain (past and future); (c) mental anguish (past and future); (d) disfigurement (past and future); (e) physical impairment (past and future); and (f) lost earning capacity (past and future).

DEMAND FOR JURY TRIAL

15. Plaintiff respectfully demands a trial-by-jury herein, and is enclosing the appropriate jury fee simultaneous to the filing of this original petition.

NOTICE OF INTENT TO USE DOCUMENTS PRODUCED,  
PURSUANT TO TRCP 93.7

16. Pursuant to Texas Rule of Civil Procedure 193.7, Plaintiff intends to use any and all documents Defendant produce herein in response to any discovery requests Plaintiff serves upon Defendant herein, whether it be at any pre-trial proceeding or at trial.

PRAYER

17. WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully demands that this Court promptly issue citations for service upon Defendant; set this matter for a scheduling conference and trial at the Court's earliest convenience; and, after the trial of this matter, grant the following relief to Plaintiff:

- a. Judgment against Defendant for compensatory damages in an amount that exceeds \$250,000.00 but does not exceed \$1,00,000.00;
- b. Pre- and post-judgment interest at the highest rate allowed by law;

- c. Costs of court; and
- d. Any further relief to which Plaintiff may be justly entitled.

Respectfully submitted,

THE LEON LAW FIRM, P.C.,  
One Sugar Creek Center Blvd., Suite 980  
Sugar Land, Texas 77478  
Tel.: (281) 980-4529  
Fax: (281) 980-4530

/s/ Lauren M. Esparza  
Carlos A. Leon --- SBN 00794157  
E-mail: cleon@theleonlawfirm.com  
Piero A. Garcia --- SBN 24090112  
E-mail: pgarcia@theleonlawfirm.com  
Lauren M. Esparza --- SBN 24095966  
Email: lesparza@theleonlawfirm.com  
ATTORNEYS FOR PLAINTIFF

DELIVERED THIS 17<sup>th</sup> DAY OF May  
 AT 1:00 AM / PM  
 BY: Ranall  
 PROFESSIONAL CIVIL PROCESS  
 INITIALS: RP LIC# 4524

## THE STATE OF TEXAS

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org"

TO: **WAL-MART, INC.**, who may be served with process by serving its registered agent CT Corporation System at **1999 Bryan Street, Suite 900, Dallas, TX 75201** or wherever he/she may be found.

Greetings:

You are hereby commanded to appear by filing a written answer to the **Plaintiff's Original Petition** at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable **327<sup>th</sup> Judicial District Court**, El Paso County, Texas, at the Court House of said County in El Paso, Texas.

Said Plaintiff's Petition was filed in said court on this the 13<sup>th</sup> day of May 2022 by Attorney at Law, **LAUREN M. ESPARZA**, ONE SUGAR CREEK CENTER BLVD., SUITE 980, SUGAR LAND, TX 77478, in this case numbered **2022DCV1450** on the docket of said court, and styled:

**GUADALUPE KIM  
 VS  
 WAL-MART, INC.**

The nature of Plaintiff's demand is fully shown by a true and correct copy of the **Plaintiff's Original Petition** accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at El Paso, Texas, on this the 16<sup>th</sup> day of May 2022.

CLERK OF THE COURT

**NORMA FAVELA BARCELEAU**  
 District Clerk  
 Enrique Moreno County Courthouse  
 500 E. San Antonio Ave, RM 103  
 El Paso, Texas 79901



Attest: NORMA FAVELA BARCELEAU District Clerk  
 El Paso County, Texas

By: Abigail Gallegos, Deputy  
 Abigail Gallegos

Rule 106: "the citation shall be served by the officer delivering to each defendant, in person, a true copy of the citation with the date of delivery endorsed thereon and with a copy of the petition attached thereto."

**RETURN**

Came on hand on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and executed in \_\_\_\_\_ County, Texas, by delivering to each of the within-named defendants, in person, a true copy of this Citation, having first endorsed thereon the date of delivery, together with the accompanying true and correct copy of the **Plaintiff's Original Petition**, at the following times and places, to-wit:

| NAME | DATE  |     |      | TIME |      |        | Place, and Course and Distance |
|------|-------|-----|------|------|------|--------|--------------------------------|
|      | MONTH | DAY | YEAR | Hour | Min. | ____M. | From Court House               |
|      |       |     |      |      |      |        |                                |
|      |       |     |      |      |      |        |                                |
|      |       |     |      |      |      |        |                                |
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|      |       |     |      |      |      |        |                                |
|      |       |     |      |      |      |        |                                |

And not executed as to the defendant, \_\_\_\_\_

The diligence used in finding said defendant, being \_\_\_\_\_

And the cause of failure to execute this process is: \_\_\_\_\_

And the information received as to the whereabouts of the said defendant, being \_\_\_\_\_

FEES—SERVING \_\_\_\_ copy \_\_\_\_ \$ \_\_\_\_\_ Sheriff  
 \_\_\_\_\_ County, Texas

Total \_\_\_\_\_ \$ \_\_\_\_\_ by \_\_\_\_\_, Deputy

**CERTIFICATE OF DELIVERY**

I do hereby certify that I delivered to \_\_\_\_\_,  
 \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_,  
 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_ m. this copy of this instrument.

\_\_\_\_\_, Sheriff/Agent  
 \_\_\_\_\_ County, Texas  
 By \_\_\_\_\_, Deputy/Agent

**SUBSCRIBED AND SWORN TO BEFORE ME ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.**

**(SEAL)**

\_\_\_\_\_  
**NOTARY PUBLIC, STATE OF TEXAS**

IN THE DISTRICT COURT OF EL PASO COUNTY, TEXAS  
327<sup>TH</sup> JUDICIAL DISTRICT COURT

|                |   |                       |
|----------------|---|-----------------------|
| GUADALUPE KIM, | § |                       |
|                | § |                       |
| Plaintiff,     | § |                       |
|                | § |                       |
| v.             | § |                       |
|                | § | Cause No. 2022DCV1450 |
| WALMART INC.   | § |                       |
|                | § |                       |
| Defendant.     | § |                       |
|                | § |                       |

**DEFENDANT’S REQUEST FOR JURY TRIAL**

Defendant WALMART INC., having filed with the clerk of the court a written request for jury trial in compliance with Texas Rule of Civil Procedure 216(a), hereby requests the above styled and numbered cause be placed upon a jury docket.

Respectfully submitted,

**MOUNCE, GREEN, MYERS,  
SAFI, PAXSON & GALATZAN**  
A Professional Corporation  
P. O. Drawer 1977  
El Paso, Texas 79999-1977  
Phone: (915) 532-2000  
Telefax: (915) 541-1597  
[enriquez@mgmsg.com](mailto:enriquez@mgmsg.com)

By: /s/ Laura Enriquez  
Laura Enriquez  
State Bar No. 00795790  
Attorneys for Defendant



**CERTIFICATE OF SERVICE**

In compliance with Texas Rule of Civil Procedure 21a (e), I certify that on this 6<sup>th</sup> day of June 2022, a true and correct copy of the foregoing document filed electronically with the clerk of the court in accordance with Texas Rule of Civil Procedure 21 (f)(1), is served on the party or attorney electronically or if the email address of the party or attorney is not on file with the electronic filing manager then service is accomplished pursuant to Texas Rule of Civil Procedure 21a (a)(2).

The following parties or attorney(s) are served with the foregoing document:

Lauren M. Esparza  
Carlos A. Leon  
Piero A. Garcia  
The Leon Law Firm P.C.  
One Sugar Creek Center Blvd., Suite 980  
Sugar Land, Texas 77478  
(281) 980-4529  
[lesparza@theleonlawfirm.com](mailto:lesparza@theleonlawfirm.com)

/s/ Laura Enriquez  
Laura Enriquez

**Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Jeanette Williams on behalf of Laura Enriquez  
 Bar No. 00795790  
 jwilliams@mgmsg.com  
 Envelope ID: 65177524  
 Status as of 6/7/2022 10:38 AM MST

**Case Contacts**

| <b>Name</b>       | <b>BarNumber</b> | <b>Email</b>                | <b>TimestampSubmitted</b> | <b>Status</b> |
|-------------------|------------------|-----------------------------|---------------------------|---------------|
| Piero Garcia      |                  | pgarcia@theleonlawfirm.com  | 6/6/2022 4:42:48 PM       | SENT          |
| Carlos Leon       |                  | cleon@theleonlawfirm.com    | 6/6/2022 4:42:48 PM       | SENT          |
| Lauren Esparza    |                  | lesparza@theleonlawfirm.com | 6/6/2022 4:42:48 PM       | SENT          |
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| Jeanette Williams |                  | jwilliams@mgmsg.com         | 6/6/2022 4:42:48 PM       | SENT          |

Associated Case Party: Wal-Mart, Inc.

| <b>Name</b>    | <b>BarNumber</b> | <b>Email</b>       | <b>TimestampSubmitted</b> | <b>Status</b> |
|----------------|------------------|--------------------|---------------------------|---------------|
| Laura Enriquez |                  | enriquez@mgmsg.com | 6/6/2022 4:42:48 PM       | SENT          |

IN THE DISTRICT COURT OF EL PASO COUNTY, TEXAS  
327<sup>TH</sup> JUDICIAL DISTRICT COURT

|                |   |                       |
|----------------|---|-----------------------|
| GUADALUPE KIM, | § |                       |
|                | § |                       |
| Plaintiff,     | § |                       |
|                | § |                       |
| v.             | § |                       |
|                | § | Cause No. 2022DCV1450 |
| WALMART INC.   | § |                       |
|                | § |                       |
| Defendant.     | § |                       |
|                | § |                       |

**DEFENDANT’S ANSWER TO PLAINTIFF’S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

Defendant WALMART INC. (proper entity being Wal-Mart Stores Texas, LLC) files its Answer to Plaintiff’s Original Petition ("Petition"), and in support thereof would respectfully show the Court as follows:

I.  
**GENERAL DENIAL**

Pursuant to Rule 92 of the Texas Rules of Civil Procedure, Defendant denies all material allegations contained in Plaintiff’s Original Petition and demand strict proof thereof as required by law.

II.  
**DEFENSES**

- A. The acts and omissions of certain non-parties to this lawsuit were the sole proximate cause of the occurrence and any alleged injuries or damages claimed by Plaintiff.
- B. To the extent Plaintiff suffered any injuries or damages as described in Plaintiff’s Petition, which Defendant denies, those injuries and damages were proximately caused by the acts or omissions

of persons and/or entities over whom Defendant has no control and for whom Defendant has no liability.

C. Plaintiff's injuries and damages, if any, may have resulted from pre-existing and/or unrelated condition(s), and thus were not proximately caused by the occurrence made the basis of this lawsuit.

D. Plaintiff's injuries and damages, if any, may have resulted from subsequent events or conditions that constitute new and intervening causes, which were not proximately caused by Defendant.

E. Defendant would show that the occurrence in question may have been caused by the negligence of a third party over whom Defendant has no control and said negligence was the proximate cause, or in the alternative, the sole proximate cause of the occurrence, incident, event or accident underlying this suit and of the alleged damages to Plaintiff.

F. Plaintiff's injuries and damages, if any, may have been the result of an unavoidable accident as that term is defined and recognized by law.

G. The injuries and damages sustained by Plaintiff, if any, can be attributed to several causes and accordingly should be apportioned among the various causes according to the respective contributions of such causes to the harm sustained.

H. Defendants plead Texas Civil Practice and Remedies Code Section 41.0105, which limits Plaintiff's recovery of medical expenses.

I. Defendant plead the provisions of the Texas Finance Code, Section 304.1045, which prohibits the recovery of prejudgment interest on any award of future damages.

J. Plaintiff's recovery for lost earnings, lost earning capacity, or other pecuniary loss, if any, must be limited to the net loss after reduction for income tax payments or unpaid tax liability pursuant to federal income tax law pursuant to Tex. Civ. Prac. & Rem. Code Section 18.091(a).

### **III.**

### **AFFIRMATIVE DEFENSES**

In the alternative, and without waiving the foregoing, Defendant asserts the following affirmative defenses:

- A. Plaintiff's injuries and damages, if any, may have been proximately caused by Plaintiff's own negligence, which bars recovery or, in the alternative, reduces it proportionately.
- B. To the extent Plaintiff failed to act reasonably to mitigate alleged damages, if any, Defendant are not responsible for any damages that could have been avoided.

### **IV.**

### **JURY DEMAND**

Defendant requests trial by jury and reserves the right to amend.

**WHEREFORE, PREMISES CONSIDERED,** Defendant prays that upon final hearing that it be discharged and allowed to go hence without day and with its costs and that the Court grant Defendant such other and further relief, general or special, legal or equitable, to which Defendant may be justly entitled.

Respectfully submitted,

**MOUNCE, GREEN, MYERS,  
SAFI, PAXSON & GALATZAN**

A Professional Corporation

P. O. Drawer 1977

El Paso, Texas 79999-1977

Phone: (915) 532-2000

Telefax: (915) 541-1597

[enriquez@mgmsg.com](mailto:enriquez@mgmsg.com)

By: /s/ Laura Enriquez

Laura Enriquez

State Bar No. 00795790

Attorneys for Defendant

**CERTIFICATE OF SERVICE**

In compliance with Texas Rule of Civil Procedure 21a (e), I certify that on this 6<sup>th</sup> day of June 2022, a true and correct copy of the foregoing document filed electronically with the clerk of the court in accordance with Texas Rule of Civil Procedure 21 (f)(1), and served electronically to the following counsel of record:

Lauren M. Esparza  
Carlos A. Leon  
Piero A. Garcia  
The Leon Law Firm P.C.  
One Sugar Creek Center Blvd., Suite 980  
Sugar Land, Texas 77478  
(281) 980-4529  
[lesparza@theleonlawfirm.com](mailto:lesparza@theleonlawfirm.com)

/s/ Laura Enriquez  
Laura Enriquez

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 Bar No. 00795790  
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Associated Case Party: Wal-Mart, Inc.

| <b>Name</b>    | <b>BarNumber</b> | <b>Email</b>       | <b>TimestampSubmitted</b> | <b>Status</b> |
|----------------|------------------|--------------------|---------------------------|---------------|
| Laura Enriquez |                  | enriquez@mgmsg.com | 6/6/2022 4:42:48 PM       | SENT          |

IN THE DISTRICT COURT OF EL PASO COUNTY, TEXAS

327TH JUDICIAL DISTRICT COURT

GUADALUPE KIM,

§

Plaintiff,

§

§

v.

§

§

Cause No. 2022DCV1450

WALMART INC.,

§

§

Defendant.

§

§

**ENTRY OF APPEARANCE**

TO THE HONORABLE JUDGE OF SAID COURT:

**COMES NOW**, Cal Mundell of the law firm of Mounce, Green, Myers, Safi, Paxson & Galatzan, a Professional Corporation, and makes this entry of appearance as co-counsel for WALMART INC. The undersigned respectfully requests that all further notices, pleadings, correspondence, communications, and filed documents be forwarded to his attention.



Respectfully submitted,

**MOUNCE, GREEN, MYERS,  
SAFI, PAXSON & GALATZAN,  
P.C.**

P.O. Drawer 1977

El Paso, Texas 79999-1977

Phone: (915) 532-2000

Fax: (915) 541-1597

E-Mail: [enriquez@mgmsg.com](mailto:enriquez@mgmsg.com)

E-Mail: [mundell@mgmsg.com](mailto:mundell@mgmsg.com)

By: 

**Laura Enriquez**

State Bar No. 00795790

**Cal Mundell**

State Bar No. 24109059

Attorneys for Defendant

**CERTIFICATE OF SERVICE**

In compliance with Texas Rule of Civil Procedure 21a (e), I, **Cal Mundell**, hereby certify that on the 24th day of June, 2022, a true and correct copy of the foregoing document filed electronically with the clerk of the court in accordance with Texas Rule of Civil Procedure 21a (f)(1) is served on the following parties or attorney(s): Lauren Esparza, [lesparza@theleonlawfirm.com](mailto:lesparza@theleonlawfirm.com), Carlos A. Leon, [cleon@theleolawfirm.com](mailto:cleon@theleolawfirm.com), Piero A. Garcia, [pgarcia@theleonlawfirm.com](mailto:pgarcia@theleonlawfirm.com), One Sugar Creek Center Blvd., Suite 980 Sugar Land, Texas 77478.



**Cal Mundell**

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Envelope ID: 65771907

Status as of 6/27/2022 9:10 AM MST

Associated Case Party: Wal-Mart, Inc.

| Name           | BarNumber | Email              | TimestampSubmitted   | Status |
|----------------|-----------|--------------------|----------------------|--------|
| Laura Enriquez |           | enriquez@mgmsg.com | 6/24/2022 3:45:43 PM | SENT   |
| Cal Mundell    |           | mundell@mgmsg.com  | 6/24/2022 3:45:43 PM | SENT   |

## Case Contacts

| Name              | BarNumber | Email                       | TimestampSubmitted   | Status |
|-------------------|-----------|-----------------------------|----------------------|--------|
| Jeanette Williams |           | jwilliams@mgmsg.com         | 6/24/2022 3:45:43 PM | SENT   |
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| Lauren Esparza    |           | lesparza@theleonlawfirm.com | 6/24/2022 3:45:43 PM | SENT   |
| Sergio Soto       |           | ssoto@mgmsg.com             | 6/24/2022 3:45:43 PM | SENT   |

IN THE DISTRICT COURT OF EL PASO COUNTY, TEXAS

327TH JUDICIAL DISTRICT COURT

|                |   |                       |
|----------------|---|-----------------------|
| GUADALUPE KIM, | § |                       |
|                | § |                       |
| Plaintiff,     | § |                       |
|                | § |                       |
| v.             | § |                       |
|                | § | Cause No. 2022DCV1450 |
| WALMART INC.,  | § |                       |
|                | § |                       |
| Defendant.     | § |                       |
|                | § |                       |

**CERTIFICATE OF WRITTEN DISCOVERY**

TO THE HONORABLE JUDGE OF SAID COURT:

**COMES NOW**, WALMART INC., Defendant in the above-entitled and numbered cause, and submit its Certificate of Written Discovery regarding the following written discovery requests/responses:

- 1. Defendant’s Initial Disclosures to Plaintiff;
- 2. Defendant’s First Set of Interrogatories to Plaintiff;
- 3. Defendant’s First Requests for Admission to Plaintiff.

**WHEREFORE PREMISES CONSIDERED**, Defendant respectfully prays that the Court and all parties take notice of the above and foregoing Certificate, and service of the above-referenced discovery requests/responses, and that the Court grant Defendant such other and further relief, general or special, legal or equitable, to which Defendant may be justly entitled.

Respectfully submitted,

**MOUNCE, GREEN, MYERS,  
SAFI, PAXSON & GALATZAN**

A Professional Corporation

P.O. Box 1977

El Paso, Texas 79950-1977

Phone: (915) 532-2000

Fax: (915) 541-1597

E-Mail: [enriquez@mgmsg.com](mailto:enriquez@mgmsg.com)

E-Mail: [mundell@mgmsg.com](mailto:mundell@mgmsg.com)

By: 

**Laura Enriquez**

State Bar No. 00795790

**Cal Mundell**

State Bar No. 24109059

Attorneys for Defendants

**CERTIFICATE OF SERVICE**

In compliance with Texas Rule of Civil Procedure 21a (e), I, **Cal Mundell**, hereby certify that on the 29th day of June, 2022, a true and correct copy of the foregoing document filed electronically with the clerk of the court in accordance with Texas Rule of Civil Procedure 21a (f)(1) is served on the following parties or attorney(s): Lauren Esparza, [lesparza@theleonlawfirm.com](mailto:lesparza@theleonlawfirm.com), Carlos A. Leon, [cleon@theleolawfirm.com](mailto:cleon@theleolawfirm.com), Piero A. Garcia, [pgarcia@theleonlawfirm.com](mailto:pgarcia@theleonlawfirm.com), One Sugar Creek Center Blvd., Suite 980 Sugar Land, Texas 77478.



**Cal Mundell**

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Envelope ID: 65908770

Status as of 6/30/2022 8:38 AM MST

Associated Case Party: Wal-Mart, Inc.

| Name           | BarNumber | Email              | TimestampSubmitted   | Status |
|----------------|-----------|--------------------|----------------------|--------|
| Laura Enriquez |           | enriquez@mgmsg.com | 6/29/2022 5:18:53 PM | SENT   |
| Cal Mundell    |           | mundell@mgmsg.com  | 6/29/2022 5:18:53 PM | SENT   |

## Case Contacts

| Name              | BarNumber | Email                       | TimestampSubmitted   | Status |
|-------------------|-----------|-----------------------------|----------------------|--------|
| Jeanette Williams |           | jwilliams@mgmsg.com         | 6/29/2022 5:18:53 PM | SENT   |
| Piero Garcia      |           | pgarcia@theleonlawfirm.com  | 6/29/2022 5:18:53 PM | SENT   |
| Carlos Leon       |           | cleon@theleonlawfirm.com    | 6/29/2022 5:18:53 PM | SENT   |
| Ilene Torres      |           | itorres@mgmsg.com           | 6/29/2022 5:18:53 PM | SENT   |
| Sergio Soto       |           | ssoto@mgmsg.com             | 6/29/2022 5:18:53 PM | SENT   |
| Lauren Esparza    |           | lesparza@theleonlawfirm.com | 6/29/2022 5:18:53 PM | SENT   |

IN THE DISTRICT COURT OF EL PASO COUNTY, TEXAS  
327<sup>th</sup> JUDICIAL DISTRICT

GUADALUPE KIM,  
*Plaintiff,*

VS.

WAL-MART, INC.  
*Defendant.*

§  
§  
§  
§  
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§  
§

CAUSE NUMBER 2022DCV1450

**PLAINTIFF'S NOTICE OF SERVING AFFIDAVITS**

To: WAL-MART, INC., Defendant in the above-captioned lawsuit, through attorney-of-record herein, Laura Enriquez, Mounce, Green, Myers, Safi, Paxson & Galatzan, PC, P.O. Drawer 1977, El Paso, Texas 79999:

Guadalupe Kim, hereinafter referred to as Plaintiff, whether one or more, pursuant to Rules 803(6) and 803(7) and 902(10) of the Texas Rules of Civil Evidence and pursuant to the applicable sections of the Texas. Civ. Prac. & Remedies Code, Sec. 18.001, files notice that the Affidavits concerning Plaintiffs' collision-related medical records and bills were served on Defendant. A true and correct copy of the Affidavit(s) were served on all parties July 6, 2022.

Respectfully submitted,

THE LEON LAW FIRM, P.C.,  
Comerica Bank Building  
One Sugar Creek Center Blvd., # 980  
Sugar Land, Texas 77478  
Tel.: (281) 980-4529  
Fax: (281) 980-4530

By: /s/ Lauren M. Esparza  
Carlos A. Leon --- SBN 00794157  
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Lauren M. Esparza --- SBN 24095966  
lesparza@theleonlawfirm.com

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been served in compliance  
with Rules 21 and 21a of the Texas Rules of Civil Procedure on July 6, 2022 to:

Laura Enriquez  
Mounce, Green. Myers, Safi,  
Paxson & Galatzan, PC  
P.O. Drawer 1977  
El Paso, Texas 79999  
Via Email/E-service: [enriquez@mgmsg.com](mailto:enriquez@mgmsg.com)

/s/ Lauren M. Esparza

Lauren M. Esparza